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## **Chapter 4. The City Council**

### **Sec. 4.1. City governing body.**

All powers of the city shall be vested in and all matters of policy of the city shall be exercised and determined by a Council of five (5) members. In all cases where the word "Council" is used in this charter, the same shall mean and shall be synonymous with the terms "commission," "common council," "board of aldermen," "governing body," or "legislative body," or any other synonymous term, as the same may be used in any state or Federal law in referring to legislative or governing bodies of cities.

State law reference(s)--City council to be established in charter, M.S.A., § 5.2073.

### **Sec. 4.2. Judge of qualification of members.**

The Council shall be the judge of the eligibility and qualification of its own members, subject only to review by the courts.

### **Sec. 4.3. Salaries of members of the council.**

Each Councilman shall receive as remuneration for his service to the city, the sum of two hundred dollars (\$200.00) per year. The Mayor shall receive one hundred dollars (\$100.00) per year in addition to the remuneration received by him as a member of the Council. Such salaries shall be payable quarterly, and, except as otherwise provided in this charter, shall constitute the only salary or remuneration which may be paid for services performed by the Mayor or any Councilman for the discharge of any official duty for or on behalf of the city during his term of office. Upon authorization of the Council, reasonable expenses may be allowed when incurred on behalf of the city.

### **Sec. 4.4. Selection of mayor and mayor pro tem.**

The Council shall at its first regular meeting following each regular biennial city election, select one (1) of its members to serve as Mayor and one (1) to serve as Mayor pro tem. The Mayor pro tem shall perform the duties of the Mayor when, on account of absence from the city, disability, or otherwise, the Mayor is temporarily unable to perform the duties of his office, and in case of vacancy in the office of Mayor, until such vacancy is filled by the Council. The Mayor pro tem shall preside over the meetings of the Council at the call of the Mayor. In the event of a vacancy occurring in the office of Mayor or Mayor pro tem, the Council shall appoint one of its elected members to fill such vacancy.

State law reference(s)--Charter to include provision for election of mayor, M.S.A., § 5.2073(a).

### **Sec. 4.5. Duties of mayor.**

(a) Insofar as required by law, and for all ceremonial purposes, the Mayor shall be recognized as the executive head of the city. He shall have an equal voice and vote in the proceedings of the Council, but shall have no veto power.

(b) He shall be a conservator of the peace, and may exercise within the city the powers conferred upon sheriffs to suppress disorder, and shall have the power to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the city, and to suppress riot and disorderly conduct.

(c) He shall authenticate by his signature such instruments as the Council, this charter, or the laws of the State of Michigan or of the United States shall require.

#### **Sec. 4.6. Meetings of the council.**

(a) The Council shall provide by resolution for the time and place of its regular meetings and shall hold at least two (2) regular meetings each month. If any time set for the holding of a regular meeting of the Council shall be a holiday, then such regular meeting shall be held at the same time and place on the next secular day which is not a holiday.

(b) Special meetings of the Council may be called by the Clerk on the written request of the Mayor, the City Manager, or of any two (2) members of the Council, on at least twenty-four (24) hours written notice to each member of the Council, designating the time, place, and purpose of any such meeting and served personally or left at his usual place of residence by the Clerk or someone designated by him. Notwithstanding the foregoing requirements for the calling of special meetings, any special meeting of the Council at which all members of the Council are present or have, in writing, waived the requirement that notice be given at least twenty-four (24) hours prior to the time specified for the holding of such meeting and at which a quorum of the Council is present, shall be a legal meeting.

(c) No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting. However, if all the members of the Council are present at any special meeting of the Council, then any business which might lawfully come before a regular meeting of the Council may be transacted at such special meeting.

(d) All regular and special meetings of the Council shall be open to the public and the rules of order of the Council shall provide that citizens shall have a reasonable opportunity to be heard.

(e) Three (3) members of the Council shall be a quorum for the transaction of business at all meetings of the Council, but, in the absence of a quorum, two (2) members may adjourn any regular or special meetings to a later date.

(f) The Council shall determine its own rules and order of business and shall keep a journal of all of its proceedings in the English language which shall be signed by the Mayor and the Clerk. The vote upon the passage of all ordinances, and upon the adoption of all resolutions shall be taken by "Yea" and "Nay" votes and entered upon the record, except that where the vote is unanimous, it shall only be necessary to so state. Each member of the Council who shall be recorded as present shall vote on all questions decided by the Council unless excused by the unanimous consent of the other members present. Any citizen or taxpayer of the city shall have access to the minutes and records of all regular and special meetings of the Council at all reasonable times.

(g) The Council may, by vote of not less than two (2) of its members, compel the attendance of its members and other officers of the city at its regular and special meetings and enforce orderly conduct therein, and any member of the Council or other officer of the city who refuses to attend such meetings or conduct himself in an orderly manner thereat shall be deemed of misconduct in office. The chief police officer of the city shall serve as the Sergeant-at-arms of the Council in the enforcement of the provisions of this section.

#### **Sec. 4.7. Restriction on powers of the council.**

(a) Neither the Council, nor any of its committees or members, shall direct or request the appointment of any person to, or his removal from, any city office or employment by the City Manager or any of his subordinates. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager, and neither

the Council nor any member thereof shall give orders to any subordinate of the City Manager either publicly or privately. Any violation of the provisions of this section by a Councilman shall constitute misconduct in office.

(b) There shall be no standing committees of the Council.

(c) The Council shall not have the power to make any contract with or give any official position to any person who is in default to the city. Further, the Council shall not have the power to sell real or personal property of a value in excess of eighteen (18) dollars per capita, said dollar amount to be adjusted annually according to the Consumer Price Index (CPI-U, all items), or any park, cemetery, or any part thereof, or any property bordering on a waterfront, or vacate any street or public place leading to a waterfront, or engage in any business enterprise requiring an investment of money in excess of ten cents per capita, unless approved by three-fifths (3/5) of the electors voting thereon at any general or special election. The per capita rate shall be as reported in the last preceding Federal census.

(d) Except as otherwise provided in this charter, no ordinance or resolution shall be adopted or passed except by the affirmative vote of at least three (3) members of the Council.

(Amd. of 8-11-97(1))

#### **Sec. 4.8. Investigations.**

Notwithstanding any other provisions of this charter, the Council, or any person or committee authorized by it for the purpose, shall have power to inquire into the conduct of any department, office, or officer of the city and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence. Failure on the part of any officer of the city to obey such subpoena or to produce books, papers, or other evidence as ordered under the provisions of this section shall constitute misconduct in office. If such failure shall be on the part of any employee of the city, the same shall constitute a misdemeanor.

#### **Sec. 4.9. Publication of council proceedings.**

The proceedings of the Council shall be published at least one within seven (7) days after each meeting of the Council.

The publication of a synopsis of such proceedings, prepared by the Clerk and approved by the Mayor, showing the substance of each separate proceeding of the Council shall be a sufficient compliance with the requirements of this section.